

**REMARKS**

It is respectfully requested that the above amendments be entered pursuant to the provisions of 37 C.F.R. §1.116(b); that this application be reconsidered in view of the above amendments and the following remarks; and that all of the claims remaining in this application be allowed.

**Interview**

The undersigned wishes to thank Examiner Meller for the courtesies extended during the interview of May 26<sup>th</sup> with the undersigned and Mr. W. Chan (assignee's representative). The Interview Summary provided accurately reflects the discussions held some of which are elaborated below.

**Amendments**

Applicants have requested amendments to Claims 19, 21, 22, 23 and 25 and have requested entry of new Claim 29.

Specifically, Applicants have requested the following amendments to Claim 19:

- a) Claim 19 is requested to be amended to recite methods for "treatment" as opposed to the previously recited "methods for alleviating or protecting against". Support for this amendment is found in Applicants' specification in, for example, the paragraph bridging pages 7 and 8;
- b) Claim 19 is requested to be amended by replacing "involving" with "mediated by" in order to be consistent with part a) of this claim;
- c) Claim 19 is requested to be amended to recite that the aliquot of blood recited in b) is from the body of the patient. Support for this amendment is found in Applicants' specification in, for example, the paragraph bridging pages 8 and 9;
- d) Claim 19 is requested to be amended to replace the language "at least one stressor selected from the group..." with a stressor comprising "...an oxidative environment stressor wherein the oxidative environment is selected from the group consisting of solid, liquid

or gaseous oxidizing agents..., ultraviolet light stressor, and optionally a temperature stressor...". Support for this amendment is found in Applicants' specification at, for example, page 10, lines 9-13; and

e) Claim 19 is to be amended to delete the phrase "or susceptible to" in the last line of this claim.

Each of the above amendments is made solely to expedite allowance of what Applicants believe to be allowable subject matter. In particular, none of these amendments are to be construed as Applicants' acquiescence to the rejection of record. In this regard, the recitation of the more restrictive stressor language in Claim 19 is requested solely to expedite allowance of this application. Applicants reserve the right to file a continuation application directed to the subject matter of the previously claimed subject matter.

The amendments requested to Claims 21-23 and 25 are merely to conform the claim language to the language of amended Claim 19.

New Claim 29 corresponds to previously presented Claim 16.

No new matter has been added.

Applicants believe that entry of these amendment is proper since they directly address the outstanding rejections and/or place this application in better condition for appeal. Entry of these amendments pursuant to the provisions of 37 C.F.R. §1.116(b) is requested.

The above amendments change and add a claim to this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status indicator.

Rejection Under 35 U.S.C. §112, first paragraph

Claims 19-28 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly non-enabled by the specification. Applicants submit that this rejection is now moot in view of the

amendments requested for Claim 19. In this regard, the undersigned notes with appreciation the suggestions made by Examiner Meller to expedite allowance of this application.

Withdrawal of this rejection is requested.

U.S. Serial No. 10/115,493

During the interview, the undersigned noted that the above application is copending with this application. A copy of the amended claims to be submitted is enclosed. Applicants intend to include further dependent claims in that case directed to specific disease conditions of generic Claim 29.

**CONCLUSION**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Notwithstanding the above and in order to avoid unintended abandonment of this application, Applicants enclose a Notice of Appeal herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 6-1-05

By Gerald F. Swiss

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 856-3700  
Facsimile: (650) 856-3710

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113